

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
DONNA GAVIN)	
)	
Plaintiff,)	
)	C. A. No. 1:18-cv-10819-LTS
v.)	
)	
CITY OF BOSTON and MARK)	
HAYES,)	
)	
Defendants.)	
_____)	

AFFIDAVIT OF COUNSEL

I, Nicholas B. Carter, hereby depose and state as follows:

1. I am the attorney of record for the Plaintiff, Donna Gavin, (“Gavin”) in the above-captioned matter.
2. I am a practicing attorney in good standing in the Commonwealth.
3. I submit this affidavit in connection with Donna Gavin’s Response to Defendant Mark Hayes’s Statement of Undisputed Material Facts in Support of his Motion for Summary Judgment and Plaintiff’s Statement of Additional Material Facts (referred to herein as “Response”).
4. **Exhibit A** to Gavin’s Response is a true and accurate copy of Defendant Mark Hayes’s (“Hayes”) Internal Affairs complaint, which incorporating his log against Gavin, dated May 8, 2017. Potentially sensitive information has been redacted.
5. **Exhibit B** to Gavin’s Response is a true and accurate copy of Plaintiff, Donna Gavin’s Amended and Supplemental Responses to Defendant City of Boston’s Interrogatories, dated August 14, 2020.

6. **Exhibit C** to Gavin's Response are true and accurate excerpts from City of Boston's 30(b)(6) Designee Janet Dougherty's Deposition Transcript, June 30, 2020.

7. **Exhibit D** to Gavin's Response are true and accurate excerpts from Donna Gavin's Deposition Transcript, December 18, 2019.

8. **Exhibit E** to Gavin's Responses is a true and accurate copy of the Affidavit of Donna Gavin.

9. **Exhibit F** to Gavin's Response are true and accurate excerpts from Mark Hayes's Deposition Transcript, December 12, 2019.

10. **Exhibit G** to Gavin's Response is a true and accurate copy of an October 2016 email exchange between Mark Hayes and Norma Ayala. Gavin is seeking leave to file this document under seal.

11. **Exhibit H** to Gavin's Responses is a true and accurate copy of an October 2016 email exchange between Mark Hayes and Norma Ayala. Gavin is seeking leave to file this document under seal.

12. **Exhibit I** to Gavin's Response are true and accurate excerpts from Sharon Dottin's Deposition Transcript, February 10, 2020.

13. **Exhibit J** to Gavin's Response are true and accurate excerpts from Winifred Cotter's Deposition Transcript, conducted August 6, 2020.

14. **Exhibit K** to Gavin's Response are true and accurate excerpts from City of Boston's 30(b)(6) Designee Gregory Long's Deposition Transcript, November 8, 2019. For clarity, this was a combined 30(b)(6) and individual deposition.

15. **Exhibit L** to Gavin's Response is a true and accurate copy of Boston Police Department Strength by Rank and Ethnicity as of 06-27-17.

16. **Exhibit M** to Gavin's Response is a true and accurate copy of a May 11, 2016 email from Mark Hayes to Stephen Joyal.

17. **Exhibit N** to Gavin's Response is a true and accurate copy of an email thread containing a November 5, 2016 email from Mark Hayes to Donna Gavin, copying the detectives and sergeant detectives in the Human Trafficking Unit as well as Norma Ayala, Gregory Long, and William Evans.

18. **Exhibit O** to Gavin's Response is a true and accurate copy of a January 26, 2017 email from Mark Hayes to Norma Ayala, copying Gregory Long, Francis Miller, Donna Gavin, George Juliano, and Mark Harrington.

19. **Exhibit P** to Gavin's Response are true and accurate excerpts from City of Boston's 30(b)(6) Designee Mark Lynch's Deposition Transcript, February 14, 2020.

20. **Exhibit Q** to Gavin's Response is a true and accurate copy of a November 4, 2016 email from Brian Miller to Mark Hayes.

21. **Exhibit R** to Gavin's Response are true and accurate excerpts from Norman Stamper's Deposition Transcript, December 8, 2020.

22. **Exhibit S** to Gavin's Response is a true and accurate copy of Expert Report of Norman H. Stamper, Ph.D, Chief of Police, City of Seattle (ret.), dated September 11, 2020. Gavin is seeking leave to file an unredacted copy under seal.

23. **Exhibit T** to Gavin's Response are true and accurate excerpts from Ludwik Bartkiewicz's Deposition Transcript, November 13, 2019.

24. **Exhibit U** to Gavin's Response is a true and accurate copy of an email chain, including an August 29, 2018 email from Mark Hayes to Paul Donovan. Gavin is seeking leave to file this document under seal.

25. **Exhibit V** to Gavin's Response is a true and accurate copy of portions of an email chain, including a November 5, 2016 email from William Evans to Gregory Long.

Gavin is seeking leave to file this document under seal.

26. **Exhibit W** to Gavin's Response is a true and accurate copy of an email chain, including two April 2, 2017 emails exchanged between Donna Gavin and Mark Hayes.

27. **Exhibit X** to Gavin's Response is a true and accurate copy of portions of an email chain, including an April 20, 2017 email from Mark Hayes to Donna Gavin, copying Mark Harrington, George Juliano, and Kathleen Doris.

28. **Exhibit Y** to Gavin's Response are true and accurate excerpts from Kathleen Doris's Deposition Transcript, March 11, 2020.

29. **Exhibit Z** to Gavin's Response is a true and accurate copy of an email chain, including a March 22, 2017 email from Mark Hayes to Donna Gavin, copying Kathleen Doris.

30. **Exhibit AA** to Gavin's Response is a true and accurate copy of a memorandum from Thomas Lembo to Mark Hayes, dated May 10, 2017. This document has been redacted to remove potentially sensitive information.

31. **Exhibit BB** to Gavin's Response is a true and accurate copy of a May 23, 2017 email to Donna Gavin and the members of the Human Trafficking Unit and Crimes Against Children Unit, with Norma Ayala and Gregory Long copied.

32. **Exhibit CC** to Gavin's Response is a true and accurate copy of an April 24, 2018 email from Donna Gavin to Marcus Eddings, copying Gregory Long. This document has been redacted to remove potentially sensitive information.

33. **Exhibit DD** to Gavin's Responses are true and accurate excerpts from Janet Dougherty's Deposition Transcript, June 30, 2020.

34. **Exhibit EE** to Gavin's Response is a true and accurate copy of an affidavit from Joseph McDonough.

35. **Exhibit FF** to Gavin's Responses is a true and accurate copy of a picture of the door of the Sexual Assault Unit Day Detectives.

36. **Exhibit GG** to Gavin's Response are true and accurate excerpts from William Galvin's Deposition Transcript, March 10, 2020.

37. **Exhibit HH** to Gavin's Response are true and accurate excerpts from Kimberly D. Hassell's Deposition Transcript, December 11, 2020.

38. **Exhibit II** to Gavin's Response is a true and accurate copy of the Expert Report of Kimberly D. Hassell, Ph.D., dated October 1, 2020.

39. **Exhibit JJ** to Gavin's Responses are true and accurate excerpts from Paul Donovan's Deposition Transcript, July 8, 2020.

SIGNED under the pains and penalties of perjury, this 24th day of February, 2021.

/s/ Nicholas B. Carter

Nicholas B. Carter, BBO# 561147

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent to those participants indicated as non-registered participants.

/s/ Nicholas B. Carter

Dated: February 24, 2021